

**Matthew B. Gilliam**

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**From:** Adam Greenfield <agreenfield@candglegal.com>  
**Sent:** Monday, November 23, 2020 1:45 PM  
**To:** Matthew B. Gilliam; Jeff D. Jennings; Ed Cloutman  
**Subject:** Carter - Document Production and 30(b)(6)  
**Attachments:** 05.15.2017 ActiveGrievanceReport.xls; 06.05.2017 ActiveGrievanceReport.xls; 8.2.2017 ActiveGrievanceReport.xls; 8.22.17 Grievance Status Breakdown.working copy.xlsx; 11.3.17 Grievance Status Breakdown..xlsx; 05.05.2017 ActiveGrievanceReport.xls; 8.11.2017 ActiveGrievanceReport.xls; 10.6.17 Grievance Status Breakdown..xlsx; 4.7.2017 ActoveGrievanceReport-2.xls; 1.23.18 Status Breakdown working copy.xlsx; 5.5.17 Grievance Report.xls; 4.10.2017 ActoveGrievanceReport-2.xls; 07.07.2017 ActiveGrievanceReport-2.xls; 6.12.17 Grievance Status Breakdown.xlsx; 10.13.17 Grievance Status Breakdown..xlsx; 07.28.2017 ActiveGrievanceReport.xls; 2018 Fact Finding Meetings by Base-2018\_1W90KSNTDZY9QNWq2ZYWyywGBoXzIMUq0.xlsx; 10.27.17 Grievance Status Breakdown..xlsx; 4.10.2017 Grievance Status Breakdown.xlsx; 6.28.17 Grievance Status Breakdown.xlsx; 06.28.2017 ActiveGrievanceReport.xls; 8.25.2017 ActiveGrievanceReport.xls; 8.16.2017 ActiveGrievanceReport-2.xls; 06.12.2017 ActiveGrievanceReport.xls; 7.7.17 Grievance Status Breakdown.xlsx

Matthew--

Please find attached the Excell files that were previously marked as attorney client privilege.

Ive been trying to PDF and Bates label the attached documents but it turns them into nonsense. As such, I have attached the native Excel sheets.

Also included is previously marked privilege document 091-181. Ed confirmed that this document was created for the grievance committee, not legal counsel. Our apologies.

I have also confirmed Mrs. Stone's ability to be a part of the 30(b)(6) deposition taking place on Nov. 30, so we will be able to get all of the topics done that day.

As always, please let me know if you have any questions or concerns.

Thanks, Adam Greenfield

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**Matthew B. Gilliam**

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**From:** Matthew B. Gilliam  
**Sent:** Tuesday, November 17, 2020 1:36 PM  
**To:** 'Adam Greenfield'  
**Cc:** Ed Cloutman; Jeff D. Jennings  
**Subject:** RE: Local 556 30(b)(6) topics

Hi Adam,

In addition to discussing the 30(b)(6) issues tomorrow, we have several discovery issues we wanted to cycle back on given the November 30 discovery deadline.

- Grievance committee reports. Back on October 6, you identified that the grievance committee reports from the prior privilege log were not privileged, and that those would be produced. Unless I've missed them, I do not think we have them. Do you know when those might be available?
- Search terms. During the hearing, I remember the Judge indicated that Local 556 should run all of our requested search terms and produce its results. Do you have any more information regarding those search term results?
- Extension of discovery deadlines. Also, I wanted to check again on the union's position regarding the extension of discovery deadlines.
- Privilege log. We also have a couple of questions about the privilege log. (1) For the Memo (022-035), we have questions about whether a memo sent to the membership at large retains its attorney client protection. (2) For the last entry (091-181), does the entire spreadsheet show legal questions made to counsel? Or are the questions asked based off of information in the spreadsheet.

Finally, we are having some difficulty opening the "snote" files that are included in folders you sent. We downloaded the program but we're unsure whether we are seeing all of the contents. Do you all have those available in a different format? Is there a particular program you use to open those?

Thanks,  
Matt

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**Matthew B. Gilliam**

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**From:** Adam Greenfield <[agreenfield@candglegal.com](mailto:agreenfield@candglegal.com)>  
**Sent:** Tuesday, November 17, 2020 10:03 AM  
**To:** Matthew B. Gilliam <[mbg@nrtw.org](mailto:mbg@nrtw.org)>

**Matthew B. Gilliam**

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**From:** Adam Greenfield <agreenfield@candglegal.com>  
**Sent:** Monday, November 16, 2020 2:02 PM  
**To:** Matthew B. Gilliam; Jeff D. Jennings  
**Cc:** Ed Cloutman  
**Subject:** Carter v. 556 and SWA - Document Production  
**Attachments:** Carter - 6655-6685.pdf

Matthew-- Please find attached additional discovery in alignment with the Court's Discovery Order, specifically pertaining to individuals searching documents that they had in their possession outside of union devices.

Please let me know if you have any questions or concerns.

Thanks, Adam Greenfield

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**Matthew B. Gilliam**

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**From:** Matthew B. Gilliam  
**Sent:** Tuesday, October 20, 2020 11:18 AM  
**To:** 'Adam Greenfield'  
**Cc:** 'Ed Cloutman'; Jeff D. Jennings  
**Subject:** RE: Meeting on various topics

Good morning, Adam.

I received the email linking the documents that you sent last Friday. I might have questions as I continue reviewing the materials, but I will let you know.

In addition to checking on the union's position regarding the extension of discovery deadlines and Ms. Stone's availability for a deposition, I also wanted to check in on search terms. During the hearing, I remember the Judge indicated that Local 556 should run all of our requested search terms and produce its results. Do you have any more information regarding those search term results?

Thanks,  
Matt

**Matthew B. Gilliam**

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**Matthew B. Gilliam**

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**From:** Adam Greenfield <agreenfield@candglegal.com>  
**Sent:** Friday, October 16, 2020 9:01 PM  
**To:** Matthew B. Gilliam; Jeff D. Jennings  
**Cc:** Ed Cloutman  
**Subject:** Carter - Previous Work Product

Matthew--

Pursuant to the Court's Order, please find attached the "board packets" that were previously being withheld due to work product assertions.

Earlier today I finished my 7th deposition for the week, so my apologies in that I have not had the opportunity to have them Bates labeled. I will have that done for you next week. We will also be producing them as confidential pursuant to our Agree Protective Order.

Due to the large volume I zipped the file. Please let me know if you have any questions or concerns.

Sincerely, Adam Greenfield



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Thanks, Adam Greenfield

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**Matthew B. Gilliam**

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**From:** Matthew B. Gilliam  
**Sent:** Friday, October 16, 2020 4:14 PM  
**To:** 'joe@gillespiesanford.com'; 'Adam Greenfield'; 'Ed Cloutman'; Correll, Michael A.; 'Morris, Brian K.'  
**Cc:** Jeff D. Jennings  
**Subject:** Carter v. TWU Local 556 et al- Scheduling the Deposition of Audrey Stone

Good afternoon, counsel.

We would like to schedule a day to conduct Audrey Stone's deposition in November, so I am reaching out to you all on the best way for us to proceed.

Thanks,  
Matt

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**Matthew B. Gilliam**

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**Matthew B. Gilliam**

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**From:** Adam Greenfield <[agreenfield@candglegal.com](mailto:agreenfield@candglegal.com)>  
**Sent:** Wednesday, October 7, 2020 1:40 PM  
**To:** Jeff D. Jennings; Matthew B. Gilliam  
**Subject:** Re: Meeting on various topics  
**Attachments:** Amended Privilege Log - FINAL - 10.7.20.pdf

Gentleman-- As discussed above, please find the amended privilege log with Bates numbers and all of the specific individuals on the E-Board at any given time.

-Adam

On Mon, Oct 5, 2020 at 9:47 PM Adam Greenfield <[agreenfield@candglegal.com](mailto:agreenfield@candglegal.com)> wrote:  
Matthew—

Wednesday at 2pm CST works for me, and I will be ready to discuss your host of topics.

Also, sorry for the late notice but I will need to send the revised privilege log in the morning, I'm having some internet issues at my home office. Thank you for your understanding.

Thanks, Adam

**Matthew B. Gilliam**

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**From:** Adam Greenfield <agreenfield@candglegal.com>  
**Sent:** Tuesday, October 6, 2020 2:26 PM  
**To:** Matthew B. Gilliam; Jeff D. Jennings; Ed Cloutman  
**Subject:** Carter v. 556 and SWA - 556 privilege log  
**Attachments:** Amended Privilege Log - DRAFT - 10.6.20.doc

Matthew--

After further review of our privilege log I was able to identify that certain other items, namely all of the "Grievance Committee Reports, etc." were also sent to Tammy Schaffaer at SWA, thus not privileged. Unfortunately this has caused a Bates labeling nightmare. We of course will produce these documents.

I have attached the most updated amended privilege log for expediency sake and to allow you time to prepare if you anticipate challenging any of the privilege assertions.

All that is currently missing are Bated numbers (due to the above issue) and the specific e-board members names and positions at the time the e-board received legal advice from Mark Richards' Firm.

I am about to walk into a deposition so I will send you a finalized and amended privilege log with the above information in the morning.

Sincerely, Adam Greenfield

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**Matthew B. Gilliam**

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**From:** Matthew B. Gilliam  
**Sent:** Wednesday, September 16, 2020 5:11 PM  
**To:** 'Adam Greenfield'  
**Cc:** Ed Cloutman; Jeff D. Jennings  
**Subject:** RE: Carter - Discovery

Hi Adam and Ed,

As you know, the Magistrate Judge's Order set a hearing date for next Monday, and her order invited us to meet and confer again in advance of the hearing. With that in mind, I would like to see whether you all are available tomorrow or Friday to discuss our outstanding issues. We should discuss the status of the search for responsive information on email accounts, electronic devices, and other sources outside of the union office.

Also, you had indicated that your IT group could run the search terms we provided for RFPs 21 and 22 and produce responsive documents by September 8. We have not heard anything on that front. We'd also like to meet to discuss the status of that search.

Please let me know which days/times work best for you all. I should be fairly flexible.

Thanks,  
Matt

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**Matthew B. Gilliam**

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**Matthew B. Gilliam**

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**From:** Adam Greenfield <agreenfield@candglegal.com>  
**Sent:** Friday, August 21, 2020 10:51 AM  
**To:** Matthew B. Gilliam  
**Cc:** Ed Cloutman; Jeff D. Jennings  
**Subject:** Re: Carter - Discovery  
**Attachments:** Defendant Local 556s - Third Amended RFP Responses - 8.21.20.pdf; Defendant Local 556s - Third Amended ROG Responses - 8.21.20.pdf

Gentleman--

Please find attached Local 556's Third Amended Discovery, incorporating the changes we have previously discussed.

Regarding the above:

1. The information listed in the current privilege log is the accurate information regarding attorney client privilege documents. I believe there may have been some initial confusion regarding the number of pages withheld and actual documents.
2. I believe September 8th is feasible for turnaround time on running the additional search terms, with our review and production.
3. This relates to our discussions on proportionality. I believe the amended responses address this and have incorporated your requests.

I look forward to speaking with you shortly.

Sincerely, Adam

**Matthew B. Gilliam**

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**From:** Matthew B. Gilliam  
**Sent:** Thursday, August 20, 2020 6:29 PM  
**To:** 'Adam Greenfield'  
**Cc:** Ed Cloutman; Jeff D. Jennings  
**Subject:** RE: Carter - Discovery

Hi Adam and Ed,

I just wanted to follow up with a few questions from our phone call this afternoon. Ed, I know you weren't on the call, but maybe you have an answer to item #1.

- 1) Privilege Log- Regarding the amended privilege log, it states that "1,216 documents/files withheld because of attorney-client privilege." However, I count only 40 entries. Can you confirm whether you are withholding 1,216 documents (with some documents omitted from the log), or withholding only 40 documents totaling 1,216 pages?
- 2) RFPs 21 and 22 search terms- Adam, you mentioned that you did not have objections to our search terms for RFPs 21 and 22, and that you sent them to your IT group. Can we set an August 28, 2020 deadline for running those search terms for RFPs 21 and 22, and confirming whether you will review the hits and produce responsive documents?
- 3) Defining Local 556- Adam, can you review and confirm whether you agree with our proposal for who to include in the definition of Local 556 for various requests? We sent a word doc containing that information on August 11. I can re-send that if you do not have it.

Thanks,  
Matt

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**Matthew B. Gilliam**

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